

CR# 04-1836-CBS

AFFIDAVIT OF SPECIAL AGENT JOHN J. HORGAN

John J. Horgan, being duly sworn, depose and state:

1. I am a Special Agent with the Office of Inspector General for the United States Postal Service and have been so employed since May 2004. I am presently assigned to the Boston Field Office of the Office of Inspector General for the United States Postal Service in Woburn, MA.

2. As a Special Agent with the Office of Inspector General for the United States Postal Service, my responsibilities involve investigating criminal matters related to the Postal Service and the mails, including the enforcement of laws regarding the property in the custody of the Postal Service, property of the Postal Service, the use of the mails, and other postal offenses. I have participated in a number of investigations of violations of federal law related to the Postal Service. In addition, from August 2001 through May 2004, I was a U.S. Postal Inspector with the United States Postal Inspection Service assigned to the Washington, DC Division. Prior to that time, I was an attorney in the Commonwealth of Massachusetts, where I have held a license to practice law since 1997.

3. This affidavit is submitted in support of an application for a criminal complaint and arrest warrant charging KENNETH E. BOBIN with a violation of 18 U.S.C. § 1709 (Theft of Mail Matter by Officer or Employee). The facts and information contained in this affidavit are based on my training and personal experience in postal investigations, personal knowledge, and observations during the course of this investigation. All observations not personally made by me were related to me by persons who made such observations. This affidavit contains information necessary to support probable cause for this application. This affidavit is not intended to include each and every fact and matter observed by me or known by the government.

4. I was assigned to investigate allegations of theft from the mails at the Auburn, MA Post Office located at 60 Auburn Street, Auburn, MA 01501, Worcester County, District of Massachusetts.

5. In connection with this investigation, on November 22, 2004, I caused a first class letter in a sealed condition to be

placed into the United States mails at the Woburn, MA Post Office. The letter was a brown manila envelope with first-class postage in the form of a \$0.60 "Covrlet Eagle" stamp addressed to "Mr. Michael Denton, P.O. Box 589, Auburn, MA 01501-0589" with a return address of "Movie Club, 'Your Ticket To A Good Time', P.O. Box 3104, Woburn, MA 01888-1904" in blue ink. The outside of the envelope contained the following wording: "FINAL OFFER" next to the address for Michael Denton and on the bottom of the envelop the following: "Michael Denton, we've sweetened the deal!!! In addition to the FREE Movie Tickets, we have enclosed a Target Gift card for you to use yourself or to give as a gift. No gimmicks, No obligations, No hassles, No kidding. Don't delay, open today!!!!" in black ink except for "Target Gift Card" which is in red ink. The contents of the envelope included a Cover Letter addressed to "Movie Fan" from "Thomas P. Gilford", President, a Movie Survey, a \$25.00 Target Gift Card and a Return Envelope with first-class postage in the form of a \$0.37 "John Wayne Stamp" addressed to Movie Club, P.O. Box 3104, Woburn, MA 01888-1904" in blue ink. The Cover Letter offered two free movie tickets and the \$25.00 Target Gift Card in exchange for completing the Survey. The serial number on the enclosed Target Gift Card is: 041-201-345-799-139 and was in the amount of \$25.00. The Envelope, Cover Letter, Movie Survey, Return Envelope and Target Gift Card were all photocopied so they could be identified later.

6. P.O. Box 589 at the Auburn, MA Post Office is not rented by Mr. Michael Denton and is in fact currently vacant. Nobody with the name of Michael Denton is a P.O. Box renter at the Auburn, MA Post Office. If this letter was handled correctly by the postal employee responsible for delivering the mail to the P.O. Boxes at the Auburn, MA Post Office, it would be marked "Unknown" and "Undeliverable as Addressed, Returned to Sender", put back into the mail stream, and returned to the sender.

7. KENNETH E. BOBIN ("BOBIN"), a career Postal Service employee, was assigned to deliver mail to the P.O. Boxes at the Auburn, MA Post Office the week of November 22, 2004.

8. On November 29, 2004, I called Target's Gift Card toll free number 800-544-2943 and checked the balance of Target Gift Card 041-201-345-799-139. The balance on this card was \$19.75. Target's automated system revealed that it was used at a Target store in Worcester, MA on Sunday, November 28, 2004.

9. On November 29, 2004, I spoke with a Target Customer Service Representative who stated that the gift card was used at approximately 12:12 PM on Sunday, November 28, 2004 at the Target Store located at 529 Lincoln Street, Worcester, MA. The Customer Service Representative further explained that the card was used to purchase five \$1.00 items and the total came to \$5.25, including tax. The transaction number for this purchase was 9395 and was made at register number 80.

10. On November 29, 2004, I obtained surveillance video, photographs and a Point of Sale Transaction Report receipt pertaining to transaction number 9395 from Allan Peterson, Assets Protection Team Leader for Target Stores. Transaction 9395 was made on November 28, 2004 with Target Gift Card number 041-201-345-799-139 at the Target Store located at 529 Lincoln Street, Worcester, MA.

11. On November 29, 2004, I reviewed the items regarding transaction number 9395 for November 28, 2004 obtained from Allan Peterson. I identified BOBIN as the individual in the photographs entering the Target Store with a then unknown female at 12:04 PM, arrive at register 80 at 12:12 PM, purchase two action figures, one spa cream, one spa scrub and one spa salts, totaling \$5.25 (including tax) using Gift Card 041-201-345-799-139 as payment and exit the store at 12:12 PM. The balance on Target Gift Card 041-201-345-799-139 after this purchase was \$19.75.

12. On December 6, 2004, I called Target's Gift Card toll free number 800 544-2943 and checked the balance of Target Gift Card 041-201-345-799-139. At this time, the balance on the card was zero dollars (\$0.00). Target's automated system revealed that the most recent purchase using this card was made at a Target store in Worcester, MA on Friday, December 3, 2004.

13. On December 6, 2004, I spoke with Allan Peterson who told me that the transaction number for the purchase made on December 3, 2004 with Target Gift Card 041-201-345-799-139 was 2108.

14. On December 6, 2004, I obtained surveillance video, photographs and a Point of Sale Transaction Report receipt pertaining to transaction number 2108 from Allan Peterson. Transaction 2108 was made on December 3, 2004 with Target Gift Card number 041-201-345-799-139 at the Target Store located at 529 Lincoln Street, Worcester, MA.

15. On December 6, 2004, I reviewed the items regarding transaction number 2108 for December 3, 2004 obtained from Allan

Peterson. I identified BOBIN as the individual in the photographs entering the Target Store at 3:48 PM, arrive at register 78 at 4:17 PM, purchase a heater fan and 4Runner Bonus Global Positioning Unit, totaling \$160.48 (including tax) using the \$19.75 balance on Gift Card 041-201-345-799-139 plus \$140.73 in cash as payment and exit the store at 4:18 PM.

16. On December 6, 2004, BOBIN was interviewed by agents from the Office of Inspector General for the U.S. Postal Service at the Auburn, MA Post Office. Prior to the interview, BOBIN was advised of his Constitutional rights against self-incrimination. BOBIN freely, voluntarily and knowingly waived those rights and admitted stealing the letter and contents described in paragraph 5 of this affidavit.

17. BOBIN was shown a copy of the letter and contents described in paragraph 5 of this affidavit. He admitted to seeing this letter at the Auburn, MA Post Office on November 26, 2004. He also admitted to isolating it and admitted that when the opportunity arose, he opened it and took the enclosed Target Gift Card number 041-201-345-799-139 out, put it in his wallet and threw the envelope and other contents away, knowing he wasn't supposed to.

18. BOBIN was shown a copy of surveillance photographs from Target Store Security taken on November 28, 2004. BOBIN admitted it was him in the photographs (along with his girlfriend, Edie Cardwell) and admitted he used Target Gift Card 041-201-345-799-139 which he stole on November 26, 2004 to pay for the purchase described in paragraph 11 of this affidavit.

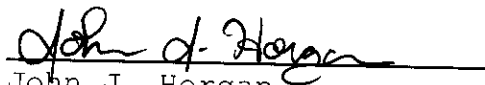
19. BOBIN was shown a copy of surveillance photographs from Target Store Security taken on December 3, 2004. BOBIN admitted it was him in the photographs and admitted he used Target Gift Card 041-201-345-799-139 which he stole on November 26, 2004 to partially pay for the purchase described in paragraph 15 of this affidavit.

20. BOBIN also admitted to opening numerous pieces of mail over the past 16 year period in an attempt to find items of value. He admitted that when he found something of value, he took it and threw the remaining envelope away. BOBIN admitted that 11 years ago, he opened a letter addressed to a P.O. Box in Auburn, MA and took \$10.00 that was enclosed. BOBIN admitted during 2004 to putting more than 25 pieces of mail not addressed to him in his work locker, taking them home and opening them in

an effort to find things of value. BOBIN admitted that he knew it was wrong to take mail addressed to someone else and open it.

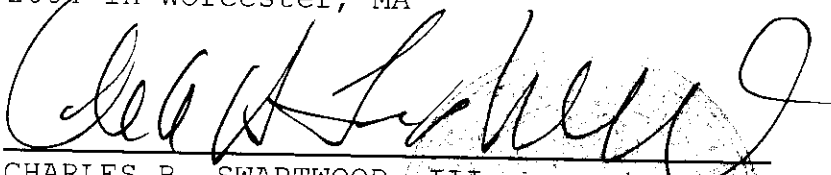
21. On December 6, 2004, while BOBIN was removing his personal items from his work locker in the presence of agents from the Office of Inspector General for the United States Postal Service, he gave me three items which he admitted he had stolen from the mail at the Auburn, MA Post Office. These items include two writing pens and a clothing catalog.

22. Based on the foregoing facts, I submit that probable cause exists that KENNETH E. BOBIN, while a Postal Service employee, did embezzle mail matter intended to be conveyed by mail which had come into his possession, in violation of Title 18, United States Code, Section 1709.



John J. Horgan
Special Agent
Office of Inspector General,
U.S. Postal Service

Subscribed and sworn to before me this 10th day of December, 2004 in Worcester, MA



CHARLES B. SWARTWOOD, III
United States Magistrate Judge

